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002-040

Approved For Release 2002/09/03 : CIA-RDP78-04718A002300270003-6

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No Change in Class. ☒ ~~1988~~

☐ Declassified

Class. Changed to: T3 S C 1989

Next Review Date: \_\_\_\_\_

Auth.: HR 70-3

Date: 16 JAN 1979 By: \_\_\_\_\_

STATINTL

10 October 1955

File  
JRH

Chy  
27 Jan 59

MEMORANDUM FOR: Deputy Director (Support)

SUBJECT : OGC Opinions - 6 September Release

OGC HAS REVIEWED.

1. I have just reviewed subject OGC opinions and I am very impressed with the thoughtfulness and clarity of the opinions expressed. As you know, I had urged for some years that these opinions be published and be disseminated to prevent continued recurrence of the same errors in administrative processes and resubmission of the same old questions for legal opinion.

2. Several things, however, now occur to me in connection with these opinions. They are a tremendous source of information to disclose weaknesses in our administrative processes which, if carefully studied, can lead to constant improvement in Agency administration and support. This will be true, however, only if they are put to definite use. Toward this end several positive steps could be taken:

(a) Instructions could be issued to all support components to review these opinions carefully and to ensure that the errors disclosed are passed down supervisory channels so that personnel who might make similar errors or who are responsible for detecting such errors are properly trained.

Good

(b) Chiefs of support components should be charged with responsibility to review current Agency regulations with respect to each opinion having general application to ensure that there are no conflicts between Agency regulations and these opinions, and to ensure that Agency regulations are clarified or amplified where appropriate. If this is not done, not only will these errors continue to be made, but the GC opinions will themselves tend to become a supplementary set of regulations. This is highly inadvisable and is not fair to Agency officials and employees at large to whom these opinions are not distributed.

Good

(c) In connection with opinion 50-1, it appears to me that this opinion in a modified form should by all means be published in a \_\_\_\_\_ Regulatory Issuance. In the first place, knowledge of these views and the sound application thereof would be an invaluable tool in the recruitment and management of certain agent and non-staff personnel. Secondly, proper instructions might greatly assist in the settlement of casualty cases when they do occur.

Good

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Note: (see OGC opinions and Congressional General Sessions) filed in working notebook and will be maintained permanently in OGC file.

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(d) In connection with opinions 53-6 and 53-7, it is indicated the Comptroller, CIA, has endorsed two recommendations for the write-off of losses under circumstances where, in the judgment of the OGC, there is insufficient basis for such action. In 53-6 in particular, negligence rather than reasonable prudence appears to be the primary factor in the loss. I raise this point because it appears particularly unfortunate when the watchdog of Agency funds and the General Counsel have divergent views as to the standards of circumstantial conditions which may justify the extraordinary use of our special legislative authorities. Since both are support elements, you, as DD/S, may wish to take action to ensure greater unanimity of viewpoint. Possibly this could be done by requiring prior informal coordination with the OGC. Alternatively, you may care to instruct the Comptroller to adopt a more stringent attitude toward losses.

3. I have not heretofore in my planning duties given much attention to any internal studies of the functioning of the support components individually or collectively, excepting with respect to support planning in the specific sense as related to the Operational Programs of the DD/P and Hot War Planning. It occurs to me, however, that a lot of constructive planning could be done in collaboration with the support components leading to the general improvement of Agency administration if we had sufficient information which would disclose areas where specific planning studies should be made. Audit Reports, IG Reports and OGC Opinions are sources of clues. Similarly, some type of reporting system starting at the working level would, I am certain, disclose problem areas involving one or more support elements which are sufficiently complex to warrant a collective study and planning effort. To be effective, this would have to be handled very diplomatically and carefully so that all parties recognize it purely as a constructive and helpful exercise and not as outside interference.

4. If further action is desired by me on any of these matters, please advise.

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SPA-DD/S

27 March 57

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Sent Copy of this to [redacted] OGC. for his info + file - Agreed there was nothing more to be done at the moment but will keep these good ideas in mind - OGC has not finally settled how to promote the use of these opinions.